HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 3 OF 2005.

Dipti Pramod Fichadia.
Age: 53 years, r/o: 75/77/79,
Cavel Cross Lane No.2,
Ground Floor, Kalabadevi,
Mumbai. ..Appellant.

Versus.

Pramod Chottalal Fichadia.
Age: 53 years, Occu: Service,
R/o: Zanda Bazar, Kumbhar Wada,
Behind Ram Mandir, Thane. ..Respondent.

Mr.A. M. Vernekar for the appellant.

Mr. M.P.Vashi for the respondent.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: APRIL 5,2005.

P.C.

1. Both the advocates are present. The appellant and the respondent are also present. The advocates have identified the parties. The parties have arrived at an amicable settlement of their dispute. They have submitted consent terms which are duly signed by the appellant, respondent and by their respective advocates. We confirmed from the parties as to whether they have understood the contents of the consent terms. We find that the consent terms have been arrived at voluntarily by the parties without there being any influence and/or pressure from any

person. Therefore, we accept the consent terms. They are taken on record and marked "X" for identification.

2. In the consent terms there is an undertaking given by the husband- respondent that Rs.2.75 lacs will be paid towards the claim of the permanent alimony and maintenance, as provided in clause 3(a), (b) & (c). Since the consent terms and undertaking is accepted, we direct that the decree in terms of the consent terms be drawn in substitution of the earlier decree passed by the Family Court. We make it clear that the decree of dissolution of marriage will stand confirmed only after the full and final payment of Rs.2.75 lacs is made, as provided in Clause (4) of the consent terms. The decree shall be drawn only after the receipt of the payment is confirmed from the parties.

3. The parties are hereby directed to inform the Registrar (Judicial) in writing through their Advocates on record that the entire payment is received/made by the appellant as per the consent terms.

4. Appeal is disposed of in the above terms. In view of the disposal of the appeal, civil application, if any, does not survive and it is accordingly disposed of.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**